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DAVID V. WILSON  
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Kephart & Wilson, Inc.

Case 8244MRLS

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SEP 29 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of :  
Gayle Marie Frankenbach, et al. :  
Serial No.: 09/805,099 : Group Art Unit: 1714  
Filed: March 13, 2001 : Petitions Examiner: E. Shirene Willis  
Confirmation No. 2087  
For: METHODS FOR IMPROVING :  
THE PERFORMANCE OF :  
FABRIC WRINKLE :  
CONTROL COMPOSITIONS

**RENEWED PETITION UNDER 37 CFR 1.137(b)**

Mail Stop PETITION  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450  
VIA FACSIMILE 703/872-9306

Dear Sir:

In response to the decision on petition with a mailing date of June 29, 2004 providing two (2) months to respond, the time for response being extended by one (1) month, pursuant to the fee charged to the Assignee's Deposit Account in the papers submitted herewith, please consider the following remarks and reconsider the Revised Declaration herein attached. Attached hereto is a Petition for an One-Month Extension of Time, and the fee required under 37 CFR §1.17(a), providing for a timely response up to and including September 29, 2004

*Remarks begin on page 2 of this paper.*

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Petition under 37 1.47(a) should be granted

It is argued at page 2, lines 11-12 of the Decision that proof of the pertinent events should be made by a statement of someone with first hand knowledge of the events. In response, Petitioner submits a "Revised Declaration Of Facts In Support Of Filing On Behalf Of Omitted Inventor" (hereinafter "Declaration"). The declarant, Bridget M. Harris, attests at page 1 of the Declaration, in bold, that she has first-hand knowledge of the pertinent events.

It is argued at page 2, lines 16-18 of the Decision that the "petition does not establish that a complete copy of the application was mailed to Mr. Behrens' last known address." In response, Petitioner points out that at page 2, lines 7 *et seq.* of the Declaration, declarant Bridget M. Harris attests that "a complete copy of the application papers (i.e., the specification and claims) and declaration of inventors" was sent to Carlos Henrique Behrens's last known address. Petitioner submits that the specification of the application papers does not include any drawings and thus drawings need not have been sent to Carlos Henrique Behrens. In short, Carlos Henrique Behrens was sent a copy of the complete application papers for the instant application. Moreover, a copy of the DHL delivery verification in previously submitted Exhibit 3 evidences a *bona fide* attempt that the application papers were sent to Carlos Henrique Behrens.

It is argued at page 2, lines 21-23 of the Decision, "When petitioners can show that Mr. Behrens was mailed or received the complete application and that he either refused to sign the declaration or would not respond to the request that he sign the declaration within a reasonable amount of time, the petitioners will have satisfied the requirement." (Emphasis added). In response, Petitioner points to the Declaration that includes reference to a DHL delivery verification (previously submitted Exhibit 3). To this end, on January 9, 2004, the shipment of a complete copy of application papers and declaration was received at Carlos H. Behrens' last known address. Bridget M. Harris attests that, as to the date of executing the Declaration, she has not received a response from Carlos H. Behrens. It has been over 9 months since the complete copy of the application papers have been verifingly received. Petitioner submits that 9 months is more than a "reasonable amount of time" for the inventor to respond.

In view of the foregoing, the omitted inventor Carlos Henrique Behrens's conduct constitutes a refusal. As such, Petitioner respectfully request reconsideration of this Petition.

Respectfully submitted,

By   
\_\_\_\_\_  
David V. Upite  
Attorney for Petitioner  
Registration No. 47,147  
(513) 627-8150

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